

NO. X06-UWY-CV-18-6046436-S : SUPERIOR COURT  
ERICA LAFFERTY, ET AL. : COMPLEX LITIGATION DOCKET  
V. : AT WATERBURY  
ALEX EMRIC JONES, ET AL. : MARCH 29, 2022

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NO. X-06-UWY-CV18-6046437-S : SUPERIOR COURT  
WILLIAM SHERLACH : COMPLEX LITIGATION DOCKET  
V. : AT WATERBURY  
ALEX EMRIC JONES, ET AL. : MARCH 29, 2022

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NO. X06-UWY-CV-18-6046438-S : SUPERIOR COURT  
WILLIAM SHERLACH, ET AL. : COMPLEX LITIGATION DOCKET  
V. : AT WATERBURY  
ALEX EMRIC JONES, ET AL. : MARCH 29, 2022

**PLAINTIFFS' MOTION ON CONSENT  
FOR THE EXTENSION OF CERTAIN DISCOVERY DEADLINES**

The plaintiffs hereby move with the consent of all parties for an extension of the fact discovery deadline to April 8, 2022. Under this proposal all other deadlines set forth in the operative scheduling order (DN 651.00 and 651.10), including the trial date, remain in effect. As discussed on the record at the scheduled deposition of Alex Jones on March 25, 2022, the proposed extension is necessary to complete certain remaining fact discovery.<sup>1</sup> See Ex. A. In particular, the parties have agreed to complete the unfinished depositions of Owen Shroyer, Christopher Daniels, and Joshua Owens, which were left open by agreement of counsel. In addition, the parties have

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<sup>1</sup> As the court is aware, Mr. Jones failed to appear at his deposition, but counsel went on the record to discuss certain matters, including scheduling.

agreed to complete the deposition of Free Speech Systems, LLC's corporate representative, Brittany Paz, which commenced on March 15, 2022, but has not been completed. Finally, in light of Mr. Jones's non-appearance at his deposition, the plaintiffs postponed the deposition of Robert Dew, which was originally scheduled to be taken in Austin, Texas on March 25 and which has been rescheduled for April 8, 2022.<sup>2</sup> It should also be noted that the plaintiffs continue their efforts to serve court authorized subpoenas on former FSS employees Buckley Hamman and David Jones both of whom appear to have deliberately evaded service.

For ease of reference, the plaintiffs present the following proposed schedule (changes highlighted in yellow), which has been agreed upon by counsel for all parties:

	<b>CURRENT DATE</b>	<b>PROPOSED DATE</b>
Fact Witness Depositions & Plaintiffs' Compliance	3/31/22	4/8/22
Disclosure of Plaintiffs' Experts	5/2/22	5/2/22
Depositions of Plaintiffs' Experts	6/1/22	6/1/22
Disclosure of Defendants' Experts	7/1/22	7/1/22
Depositions of Defendants' Experts	8/1/22	8/1/22
Motions for Summary Judgment	5/16/22	5/16/22
Opposition to Summary Judgment Motions	6/15/22	6/15/22
Reply re Summary Judgment Motions	7/1/22	7/1/22
Oral Argument on Summary Judgment Motions	7/5/22	7/5/22
Pretrial Conference	6/14/22	6/14/22

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<sup>2</sup> According to counsel for the Jones defendants, Mr. Dew, who is no longer employed by FSS, has authorized him to accept service of a subpoena in connection with his testimony and production of documents. The plaintiffs intend to file a motion for a commission on consent for the issuance of that subpoena.

Trial Management Conference	7/18/22	7/18/22
Jury Selection	8/2/22	8/2/22
Evidence	9/1/22	9/1/22

**THE PLAINTIFFS,**

By: /s/ Christopher M. Mattei  
CHRISTOPHER M. MATTEI  
ALINOR C. STERLING  
MATTHEW S. BLUMENTHAL  
SARAH STEINFELD  
KOSKOFF KOSKOFF & BIEDER  
350 FAIRFIELD AVENUE  
BRIDGEPORT, CT 06604  
[asterling@koskoff.com](mailto:asterling@koskoff.com)  
[cmattei@koskoff.com](mailto:cmattei@koskoff.com)  
[mblumenthal@koskoff.com](mailto:mblumenthal@koskoff.com)  
[ssteinfeld@koskoff.com](mailto:ssteinfeld@koskoff.com)  
Telephone: (203) 336-4421  
JURIS #32250

## **CERTIFICATION**

This is to certify that a copy of the foregoing has been emailed and/or mailed, this day, postage prepaid, to all counsel as follows:

***For Alex Emric Jones, Infowars, LLC, Free Speech Systems, LLC, Infowars Health, LLC and Prison Planet TV, LLC:***

Norman A. Pattis, Esq.  
Cameron Atkinson, Esq.  
Pattis & Smith, LLC  
383 Orange Street, First Floor  
New Haven, CT 06511  
P: 203-393-3017  
[npattis@pattisandsmith.com](mailto:npattis@pattisandsmith.com)  
[catkinson@pattisandsmith.com](mailto:catkinson@pattisandsmith.com)

***For Genesis Communications Network, Inc.***

Mario Kenneth Cerase, Esq.  
Brignole & Bush LLC  
73 Wadsworth Street  
Hartford, CT 06106  
[mcerame@brignole.com](mailto:mcerame@brignole.com)  
P: 860-527-9973

/s/ Christopher M. Mattei  
CHRISTOPHER M. MATTEI  
ALINOR C. STERLING  
MATTHEW S. BLUMENTHAL  
SARAH STEINFELD

# EXHIBIT A

Alex Jones (Cert. of Nonappearance)  
March 24, 2022

NO. X06-UWY-CV-18-6046436-S : SUPERIOR COURT  
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ALEX EMRIC JONES, ET AL

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CERTIFICATE OF NONAPPEARANCE  
FOR THE ORAL DEPOSITION OF ALEX EMRIC JONES  
MARCH 24, 2022  
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I, Gabriela Silva, Certified Shorthand Reporter in  
and for the State of Texas, certify:

That I appeared at Homewood Suites by Hilton Austin  
South, 4143 Governor's Row, Board Room, Austin, Texas on  
the 24th day of March, 2022, to report the oral  
deposition of ALEX EMRIC JONES, pursuant to the attached  
Memorandum, scheduled for 9:00 a.m.

That at 9:01 a.m., the witness was not present.  
Present for the deposition in-person were CHRISTOPHER M.  
MATTEI, MATTHEW S. BLUMENTHAL, Attorneys for Plaintiffs;  
NORMAN PATTIS, Attorney for Defendants; and via Zoom,  
MARIO KENNETH CERAME, Attorney for Genesis  
Communications Network, Inc.

A P P E A R A N C E S:

ATTORNEYS FOR THE PLAINTIFFS:  
KOSKOFF KOSKOFF & BIEDER, PC  
350 Fairfield Avenue, Suite 501  
Bridgeport, CT 06604  
Tel: 203-336-4421  
E-mail: mblumenthal@koskoff.com  
cmattei@koskoff.com

CHRISTOPHER M. MATTEI, ESQ.  
MATT BLUMENTHAL, ESQ.

ATTORNEYS FOR THE DEFENDANTS:  
FOR ALEX EMRIC JONES, INFOWARS, LLC, FREE SPEECH  
SYSTEMS, LLC, INFOWARS HEALTH, LLC and PRISON  
PLANET TV, LLC:  
PATTIS & SMITH, LLC  
383 Orange Street, First Floor  
New Haven, CT 06511  
Tel: 203-393-3017  
E-mail: npattis@pattisandsmith.com  
NORMAN A. PATTIS, ESQ.

FOR GENESIS COMMUNICATIONS NETWORK, INC.:  
BRIGNOLE, BUSH & LEWIS  
73 Wadsworth Street  
Hartford, CT 06106  
Tel: 860-527-9973  
E-mail: mcerame@brignole.com

MARIO CERAME, ESQ. (Appearing remotely)

E X H I B I T S

Jones Exhibit 1

Affidavit of Dr. Benjamin Marble..... 06

Jones Exhibit 2

03/23/22 Letter from Dr. Amy Offutt..... 06



P R O C E E D I N G S

(On the record at 9:01 a.m.)

MR. MATTEI: This is Chris Mattei on behalf of the plaintiffs in the matter of Lafferty, et al and the companion cases against Alex Jones and additional defendants. We're here on Friday (sic), March 24th.

MR. PATTIS: Thursday.

MR. MATTEI: I'm sorry, Thursday, thank you, March 24th. It's 9:02 a.m. Central for the deposition of Alex Jones. Mr. Jones was originally scheduled to appear yesterday. He did not appear. Mr. Jones subsequently filed an amended Motion for Protective Order seeking to be excused from his appearance here today.

The Court denied that motion at docket 744.10 yesterday evening. So we are gathered here for Mr. Jones' deposition. He has not appeared yet again. I understand from Attorney Pattis, who will make remarks after me, that Mr. Jones is not going to appear today. And so after Attorney Pattis makes any comments he wishes to make, Attorney Cerame makes any comments he wishes to make I don't think that we'll need to stay as we did yesterday to see if he arrives, but I'll attest

1 to Attorney Pattis' representation that he will not be  
2 producing himself for his deposition.

3 MR. PATTIS: Norm Pattis on behalf of Alex  
4 Jones and the Jones defendants. I would offer into the  
5 record -- and I have no dispute with any of the factual  
6 representations that -- that Attorney Mattei just  
7 recited.

8 I've spoken to Mr. Jones this morning and  
9 I've had communication with his physician after the  
10 Court's order yesterday. Mr. Jones intends to remain at  
11 home under his doctor's orders and understands that this  
12 is not the Court's order. But he is taking the position  
13 that the person who he is relying on for his physical  
14 health is the person who he will take his bearings from.

15 And I will read into the record in part, or  
16 maybe in whole, Jones Exhibit Number 2, which was  
17 provided to Counsel and filed in court yesterday and was  
18 considered by the Court when the Court rejected our  
19 Motion for Protective Order.

20 But it reads, To whom it may person -- and  
21 this is from a Dr. Amy Offutt, O-F-F-U-T-T, in Marble  
22 Falls, Texas. This morning, I had a medical visit with  
23 Mr. Alex Jones for acute medical issues that were  
24 time-sensitive and potentially serious. We started a  
25 comprehensive medical evaluation and he has labs that

1 are pending to assess his status. And I redacted the  
2 type of status that is.

3 I have asked him to avoid too much stress  
4 until we get the results from the blood tests this  
5 morning. I also gave him ER precautions if he develops  
6 escalating systems. And then the doctor concludes, As a  
7 result of these findings, I am advising him not to  
8 attend court proceedings for now.

9 You know, I -- it's my understanding that  
10 pending the results of these certain tests, he may or  
11 may not be hospitalized today, but Mr. Jones is not --  
12 is mindful of the Court's order, but feels very much in  
13 the position of -- and taking by that name, he's got  
14 conflicting imperatives and he's choosing to adhere to  
15 the voice of his physician who has his physical welfare,  
16 health and life in her hands.

17 So I offer plaintiff's exhibit -- or excuse  
18 me -- Defendants' Exhibit 1, the affidavit of Dr.  
19 Benjamin Marble who we discussed in our pleadings  
20 yesterday and Jones Exhibit Number 2, the letter  
21 notarized from Dr. Amy Offutt as exhibits to this  
22 deposition.

23 (Exhibit Numbers 1 and 2 were marked.)

24 MR. PATTIS: And I can confirm after speaking  
25 with Mr. Jones moments before we went on the record that

1 he will not be appearing here today. And I join Mr.  
2 Mattei in closing -- in the request to close the  
3 deposition on futility grounds.

4 MR. MATTEI: Attorney Cerame?

5 MR. CERAME: I have nothing more to offer.

6 MR. MATTEI: Okay. I would just ask that  
7 Attorney Pattis and I, prior to going on the record, had  
8 a conversation about scheduling in this case of  
9 additional depositions. We had anticipated after the  
10 deposition of Brittany Paz, the need for a short  
11 extension of the fact discovery deadline in order to  
12 accommodate the remainder of her deposition along with  
13 the depositions that had previously been kept open, Owen  
14 Shroyer, Kit Daniels and Josh Owens.

15 In light of the circumstances surrounding  
16 Mr. Jones' deposition, from the plaintiff's perspective  
17 at least, additional time will be required to secure his  
18 testimony or at least for us to attempt to secure his  
19 testimony. And in addition, Rob Dew, who had agreed  
20 through Counsel to appear for deposition tomorrow, has  
21 been, as I understand it, in conversation with Counsel,  
22 for a new date in light of the inability of the  
23 plaintiffs to take Mr. Jones' deposition this week,  
24 which is a circumstance we were counting on at the time  
25 we had agreed to take Mr. Dew's deposition tomorrow.

1                   So with all that being said, I understand  
2                   that Counsel is having discussions with Mr. Dew about  
3                   that?

4                   MR. PATTIS: Yes, sir. And I'd like the --  
5                   maybe want to leave the record open for us to talk  
6                   briefly so -- there may be additional things you want to  
7                   put on, but yes, we're trying to reach an agreement on  
8                   rescheduling right now. And we don't have one yet, but  
9                   we should talk, you and I.

10                  MR. MATTEI: Okay. So why don't we go off the  
11                  record for a moment and we'll have a conversation, see  
12                  if there's anything else that we need to put on the  
13                  record. Okay?

14                  THE VIDEOGRAPHER: We're off, 9:07.

15                  MR. CERAME: The only thing relative to  
16                  scheduling I'd like to add is -- sorry. I want to make  
17                  sure that we get the chance for summary judgment motion.  
18                  That's all.

19                  MR. MATTEI: Yep. Yeah, my thought, Mario,  
20                  was that the remaining fact discovery that needs to be  
21                  done would not require the movement of any other  
22                  deadlines.

23                  MR. CERAME: Okay. Cool.

24                  THE VIDEOGRAPHER: Off at 9:08.

25                                 (Brief recess.)

1 THE VIDEOGRAPHER: Back on, 9:14.

2 MR. MATTEI: Okay. After additional  
3 conversations with Counsel, I think this is the current  
4 state of play. So at the conclusion of the second day  
5 of Brittany Paz's testimony all parties agreed to extend  
6 the fact discovery deadline to April 8th and -- in order  
7 to accommodate the depositions I listed earlier. We  
8 have not yet filed that motion formally, but intended to  
9 do so on consent.

10 In light of Mr. Jones' failure to appear  
11 here, we anticipate that there may be a need for  
12 additional extension order for us to secure his  
13 testimony and also because the plaintiffs had planned to  
14 take Mr. Dew's testimony tomorrow, having already  
15 deposed Mr. Jones and had planned their examination  
16 accordingly, we are not going to proceed with his  
17 deposition tomorrow, but instead will be scheduling it  
18 either by way of service of a subpoena on him directly  
19 or by way of service of a subpoena to his -- to Attorney  
20 Pattis if Mr. Dew authorizes Attorney Pattis to accept  
21 it.

22 That may require some extension beyond the  
23 agreed upon date of April 8th, but we have not yet made  
24 that determination. I also just want to follow up on  
25 something Attorney Pattis said, which was that he was

1 agreeing with me that Mr. Jones' deposition was closed  
2 as a result of futility. I don't know whether that's a  
3 technical term or not.

4 I just want the record to be clear that  
5 whether it's a continuation of this deposition or the  
6 initiation of a new deposition by way of civil process,  
7 we intend to exhaust whatever options we have in order  
8 to secure Mr. Jones' testimony.

9 MR. PATTIS: So I didn't have any strategic  
10 artifice in mind. I just meant futility in terms of the  
11 day. My understanding is that the plaintiffs intend to  
12 do whatever the law permits them to do in an effort to  
13 secure his testimony. And so when I used the word  
14 futility, I just meant I want to leave the room --

15 MR. MATTEI: Right.

16 MR. PATTIS: -- because there's no reason to  
17 wait around anymore. So I apologize if you thought I  
18 was trying to --

19 MR. MATTEI: No. I just want to be clear.  
20 Okay.

21 MR. PATTIS: And then as to Mr. Dew, I  
22 attempted to contact him. I've been in touch with him  
23 several times this morning. I got no return call  
24 moments ago. My understanding, he's given me dates of  
25 availability. I don't have his authority to accept a

1 subpoena on his behalf. I will attempt to obtain it and  
2 I will notify you promptly about that probably by the  
3 end of the day or tomorrow.

4 MR. MATTEI: All right. Okay. Thank you,  
5 everybody.

6 MR. PATTIS: Thanks.

7 THE VIDEOGRAPHER: We're off, 9:17.

8 (Deposition concluded.)  
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CERTIFICATE

I further certify that I am neither employed nor related to any attorney or party in this matter and have no interest, financial or otherwise, in its outcome.

The cost of the Certificate of Nonappearance is \$\_\_\_\_\_.

Given under my hand and seal of office on this 24th day of March, 2022.



Gabriela S. Silva, Texas CSR, RPR, CRR, RMR

Expiration Date: 01-31-23

U.S. Legal Support

Firm Registration No.: 342

363 North Sam Houston Parkway E

Suite 1200

Houston, Texas 77060

(361) 883-1716

Alex Jones (Cert. of Nonappearance)  
March 24, 2022

Exhibits			
EX 0001 Alex Jones CNA 032 422 3:3 6:18	9:14 9:1 9:17 11:7	anticipated 7:9 anymore 10:17 apologize 10:17 appearance 4:15 appeared 4:19 appearing 7:1 April 9:6,23 around 10:17 arrives 4:25 artifice 10:10 asked 6:3 assess 6:1 attempt 7:18 11:1 attempted 10:22 attend 6:8 attest 4:25 Attorney 4:20,22,23 5:1,6 7:4,7 9:19,20,25 authority 10:25 authorizes 9:20 availability 10:25 avoid 6:3	B  Back 9:1 bearings 5:14 behalf 4:5 5:3 11:1 Benjamin 6:19 blood 6:4 brief 8:25 briefly 8:6 Brittany 7:10 9:5
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	a.m. 4:4,11 accept 9:20 10:25 accommodate 7:12 9:7 acute 5:23 add 8:16 addition 7:19 additional 4:7 7:9,17 8:6 9:2,12 adhere 6:14 advising 6:7 affidavit 6:18 ago 10:24 agreed 7:19,25 9:5, 23 agreeing 10:1 agreement 8:7 Alex 4:7,12 5:3, 23 amended 4:14 Amy 5:21 6:21 anticipate 9:11		
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Alex Jones (Cert. of Nonappearance)  
March 24, 2022

G	J	M	N
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<b>gave</b> 6:5	<b>Jones</b> 4:7,12,13,21	<b>make</b> 4:20,23,24	<b>need</b> 4:24 7:10
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